

1941

Amendments to  
CODE OF FEDERAL REGULATIONS  
of

COPYRIGHT OFFICE

Adopted since June 1, 1938

Section 201.4

A new subsection (e) is added after subsection (d) on page 4, reading as follows:

"(e) By virtue of Public Act No. 244--Seventy-sixth Congress--approved July 31, 1939, jurisdiction over commercial prints and labels for the purpose of copyright registration was transferred to the Register of Copyrights effective July 1, 1940." [Approved by the Librarian of Congress, August 6, 1940. Published in Federal Register, Vol. 5, No. 157, August 13, 1940, p. 2823.]

Section 201.7 (b)

A new paragraph is added as follows:

"Provided, that if copies in the form prescribed by Section 12 and by this Rule are deposited prior to the date of publication, they will be retained to await the date of publication, and registration will be made on receipt of a corresponding application for registration duly executed, and the prescribed fee." [Approved by the Librarian of Congress, February 2, 1940. Published in Federal Register, Vol. 5, No. 26, February 7, 1940, p. 619.]

Section 201.12

The following new application forms have been adopted:

- A6. Serial republished as book with new matter.
  - E3. Musical composition not reproduced for sale with new matter.
  - KK. Commercial print or label.
  - RR. Renewal for commercial print or label.
- [Approved by the Librarian of Congress, August 6, and September 7, 1940. Published in Federal Register Vol. 5, No. 157, Tuesday, August 13, 1940, p. 2823, and No. 177, September 11, 1940, p. 3628.]

#### Section 201.18

The first paragraph is amended to read as follows:

"If special registration is requested for any contribution to a periodical, one complete copy of the number of the periodical in which the contribution appears should be deposited promptly after publication. The contribution to a periodical herein referred to includes any writing of an author published with copyright notice in any given number of a periodical." [Approved by the Librarian of Congress, November 2, 1938. Published in Federal Register, Vol. 3, No. 236, December 6, 1938, p. 2868.]

#### Section 201.21

At the end of the first paragraph add:

"The registration fee for a commercial print or label is \$6." [Approved by the Librarian of Congress, August 6, 1940. Published in Federal Register, Vol. 5, No. 157, August 13, 1940, p. 2823.]

#### Section 201.22 (c)

This paragraph is amended to read as follows:

"After the assignment has been duly recorded, the assignee may substitute his name for that of the assignor in the copyright notice on the work assigned. In addition to the fee for recording and certifying an assignment specified in Rule 44, the assignee shall pay a fee of ten cents for the placing of record in the Copyright Office the transfer of ownership of each title of a book or other article which is the subject matter of such assignment." [Approved by the Librarian of Congress, December 15, 1938. Published in Federal Register, Vol. 2, No. 246, December 20, 1938, p. 3043.]

#### Section 201.24 (b)

This paragraph is amended by adding at the end:

"The renewal fee for a commercial print or label is \$6." [Approved by the Librarian of Congress, August 6, 1940. Published in Federal Register, Vol. 5, No. 157, August 13, 1940, p. 2823.]

## CHAPTER II—COPYRIGHT OFFICE

### LIBRARY OF CONGRESS

Part	Part
201 Registration of claims to copyright	202 Proclamation copyright relations.

#### PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

Sec.	Sec.
201.1 Method of securing copyright.	201.14 Making of affidavit.
201.2 Who may secure copyright.	201.15 Who may make affidavit.
201.3 Registration.	201.16 Affidavit for ad interim term.
201.4 Subject matter of copyright.	201.17 Periodicals (Form B).
201.5 How to secure registration.	201.18 Contributions to periodicals (Form A5).
201.6 Unpublished works.	201.19 Ad interim applications (Form A4).
201.7 Published works.	201.20 Mailing applications and copies.
(a) Deposit of copies.	201.21 Fees.
(b) Definition.	201.22 Assignment of copyright.
201.8 Notice of copyright.	(a) Procedure.
(a) Ordinary form.	(b) Fee.
(b) Maps, photographs, etc.	(c) Substitution of assignee's name.
(c) Foreign books printed abroad seeking ad interim protection.	201.23 Notice of user of musical compositions.
201.9 American manufacture of copyright books.	201.24 Application for the renewal of subsisting copyrights.
201.10 Books in foreign languages; ad interim term of copyright.	(a) Renewal claimants.
201.11 Application for registration.	(b) Fee.
201.12 Application forms.	201.25 Searches.
201.13 Affidavit of manufacture.	

#### CROSS REFERENCE

Bureau of Customs, Department of the Treasury, regulations concerning copyrights: See Customs Duties, 19 CFR 9.17-9.20.

**Section 201.1 Method of securing copyright.** Copyright under the Act of Congress entitled: "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909 (35 Stat. 1075; 17 U.S.C. 1-62), is ordinarily secured by printing and publishing a copyrightable work with a notice of claim in the form prescribed by the statute. Registration can be made after such publication, but the statute expressly provides, in certain cases, for registration of manuscript works.\*† [Sec. 1]

\* §§ 201.1 to 201.25, inclusive, issued under the authority contained in sec. 53, 35 Stat. 1085; 17 U.S.C. 53.

† The source of §§ 201.1 to 201.25, inclusive, (except for amendments noted in the text.) is Rules and regulations for the registration of claims to copyright, Library of Congress, Nov. 1926.

**201.2 Who may secure copyright.** The persons entitled by the Act to copyright protection for their works are:

(a) The author of the work if he is:

(1) A citizen of the United States, or

(2) An alien author domiciled in the United States at the time of the first publication of his work, or

(3) A citizen or subject of any country which grants either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens. The existence of reciprocal copyright conditions is determined by presidential proclamation.

(b) The proprietor of a work. The word "proprietor" is here used to indicate a person who derives his title to the work from the author. If the author of the work should be a person who could not himself claim the benefit of the Copyright Act, the proprietor can not claim it.

(c) The executors, administrators, or assigns of the above-mentioned author or proprietor.\*† [Sec. 2]

**201.3 Registration.** Promptly after the publication of any work entitled to copyright, the claimant of copyright should register his claim in the Copyright Office. An action for infringement of copyright can not be maintained in court until the provisions with respect to the deposit of copies and registration of such work shall have been complied with.

A certificate of registration is issued to the claimant and duplicates thereof may be obtained on payment of the statutory fee of \$1.\*† [Sec. 3, as amended May 17, 1938]

**201.4 Subject matter of copyright.** (a) The Act provides that no copyright shall subsist in the original text of any work published prior to July 1, 1909, which has not been already copyrighted in the United States, "or in any publication of the United States Government, or any reprint, in whole or in part, thereof" (Sec. 7, 35 Stat. 1077; 17 U.S.C. 7).

(b) Section 5 of the Act (35 Stat. 1076; 17 U.S.C. 5) names the thirteen classes of works for which copyright may be secured, as follows:

(1) **Books.** This term includes "composite and cyclopædic works, directories, gazetteers, and other compilations." and, generally, all printed literary works (except dramatic compositions), whether published in the ordinary shape of a book or pamphlet, or printed as a leaflet, card, or single page. The term "book" as used in the law includes tabulated forms of information, frequently called charts; tables of figures showing the results of mathematical computations, such as logarithmic tables; interest, cost, and wage tables, etc.; single poems, and the words of a song when printed and published without music; descriptions of motion pictures or spectacles; catalogues; circulars or folders containing information in the form of reading matter, and literary contributions to periodicals or newspapers.

The term "book" can not be applied to blank books for use in business or in carrying out any system of transacting affairs, such as



record books, account books, memorandum books, blank diaries or journals, bank deposit and check books; forms of contracts or leases which do not contain original copyrightable matter; coupons; forms for use in commercial, legal, or financial transactions, which are wholly or partly blank and whose value lies in their usefulness.

(2) **Periodicals.** This term includes newspapers, magazines, reviews, and serial publications appearing oftener than once a year; bulletins or proceedings of societies, etc., which appear regularly at intervals of less than a year; and, generally, periodical publications which would be registered as second-class matter at the post office. Serial publications which are not clearly "periodicals" should be registered as books and the application for registration should be accompanied by the required affidavit.

(3) **Lectures, sermons, addresses.** Lectures, sermons, addresses, or similar productions, prepared for oral delivery.

(4) **Dramatic and dramatico-musical compositions.** Dramatic and dramatico-musical compositions, such as dramas, comedies, operas, operettas, and similar works.

The designation "dramatic composition" does not include the following: Dances, motion-picture shows; stage settings or mechanical devices by which dramatic effects are produced, or "stage business"; animal shows, sleight-of-hand performances, acrobatic or circus tricks of any kind; scenarios for, or descriptions of motion pictures or of settings for the production of motion pictures. (These, however, when printed and published, may be registrable as "books.")

Dramatico-musical compositions include principally operas, operettas, and musical comedies, or similar productions which are to be acted as well as sung.

(5) **Musical compositions.** Musical compositions, including vocal and instrumental compositions, with or without words and separately published songs from operas and operettas, when not intended to be acted.

The words of a song printed alone should be registered as a "book", not as a "musical composition."

"Adaptations" and "arrangements" may be registered as new works under the provisions of section 6 (35 Stat. 1077; 17 U.S.C. 6). Registration may also be made under this section of "works republished with new matter," but this does not include mere "editing," "fingering," or "phrasing," which are not provided for in the Copyright Act.

(6) **Maps.** This term includes all cartographical works, such as terrestrial maps, plats, marine charts, star maps, but not diagrams, astrological charts, or landscapes.

(7) **Works of art and models or designs for works of art.** This term includes all works belonging fairly to the so-called fine arts. (Paintings, drawings, and sculpture.)

The protection of productions of the industrial arts utilitarian in purpose and character even if artistically made or ornamented depends upon action under the patent law; but registration in the Copyright Office has been made to protect artistic drawings notwithstanding they may afterwards be utilized for articles of manufacture.

Toys, games, dolls, advertising novelties, instruments, or tools of any kind, glassware, embroideries, garments, laces, woven fabrics, or similar articles, are examples. The exclusive right to make and sell such articles should not be sought by copyright registration.

**(8) Reproductions of works of art.** This term refers to such reproductions (engravings, woodcuts, etchings, casts, etc.) as contain in themselves an artistic element distinct from that of the original work of art which has been reproduced.

**(9) Drawings or plastic works of a scientific or technical character.** This term includes diagrams or models illustrating scientific or technical works, architects' plans, designs for engineering work, relief maps, etc.

**(10) Photographs.** This term covers all photographic prints, but not half tones or other photo-engravings.

**(11) Prints and pictorial illustrations.** This term comprises printed pictures, such as lithographs, photo-engravings, etc.

**(12) Motion-picture photoplays.**

**(13) Motion pictures other than photoplays.**

(c) Postal cards can not be copyrighted as such. The pictures thereon may be registered as "prints or pictorial illustrations" or as "photographs." Text matter on a postal card may be of such a character that it may be registered as a "book."

(d) Trade-marks can not be registered in the Copyright Office. Application should be made to the Commissioner of Patents.

(e) Labels and prints for articles of manufacture are required by the Act of June 18, 1874 (18 Stat. 78; 17 U.S.C. 18, 63), to be registered for copyright in the Patent Office. The Copyright Office will register a claim of copyright in a pictorial drawing to protect such drawing; but if it is used for a label or print, the label or print should be registered at the Patent Office.\*† [Secs. 4-18, as amended May 17, 1938]

**201.5 How to secure registration.** Copyright registration may be secured for:

(a) Unpublished works.

(b) Published works.\*† [Sec. 19]

**201.6 Unpublished works.** Unpublished works are such as have not at the time of registration been printed or reproduced in copies for sale or been publicly distributed. They include only the works enumerated in section 11 (35 Stat. 1078; 17 U.S.C. 11): Lectures, sermons, addresses, or similar productions for oral delivery; dramatic, musical and dramatico-musical compositions; photographs; works of art (paintings, drawings, and sculptures); plastic works; motion-picture photoplays; and motion pictures other than photoplays.

In order to secure copyright in such unpublished works, the following steps are necessary:

(a) In the case of lectures, sermons, addresses, and dramatic, musical, and dramatico-musical compositions, deposit one complete copy of the work. This copy (which may be written or typewritten) should be in convenient form, clean and legible, the leaves securely

fastened together, and should bear the title of the work corresponding to that given in the application. The entire work in each case should be deposited. It is not sufficient to deposit a mere outline or epitome, or, in the case of a play, a mere scenario, or a scenario with the synopsis of the dialogue.

(b) In the case of unpublished photographs, deposit one copy of the work. (Photo-engravings or photogravures are not photographs within the meaning of this provision.)

(c) In the case of works of art, models or designs for works of art, or drawings or plastic works of a scientific or technical character, deposit a photograph or other identifying reproduction.

(d) In the case of motion-picture photoplays, deposit a title and description, with one print taken from each scene or act.

(e) In the case of motion pictures other than photoplays, deposit a title and description, with not less than two prints taken from different sections of the complete motion picture.

In each case the deposited article must be accompanied by a claim of copyright (an application for registration) and a money order for the amount of the statutory fee.

(f) Any work which has been registered under section 11, if published, i. e., reproduced in copies for sale or distribution, must be deposited a second time (accompanied by an application for registration and the statutory fee) in the same manner as is required in the case of works published in the first place.\*† [Secs. 19-23]

**201.7 Published works—(a) Deposit of copies.** Promptly after first publication of the work with the copyright notice inscribed, two complete copies (or one copy if the work is by a foreign author and has been first published in a foreign country) of the best edition of the work then published must be sent to the Copyright Office, with a proper application for registration correctly filled out and a money order for the amount of the legal fee.

The statute requires that the deposit of the copyright work shall be made "promptly," which has been defined as "without unnecessary delay." It is not essential, however, that the deposit be made on the very day of publication.

**(b) Definition.** Published works are such as are printed or otherwise produced and "placed on sale, sold, or publicly distributed." Works intended for sale or general distribution should first be printed with the statutory form of copyright notice inscribed on every copy published or offered for sale in the United States.

The following works can not be registered until after they have been published: Books, periodicals, maps, prints and pictorial illustrations.\*† [Secs. 24, 25, as amended May 17, 1938]

**201.8 Notice of copyright—(a) Ordinary form.** The ordinary form of copyright notice for books, periodicals, dramatic and musical compositions is "Copyright, 19-- (the year of publication), by A. B. (the name of the claimant)." The name of the claimant printed in the notice should be the real name of a living person, or his trade name if he always uses one, or the name of the firm or corporation claiming to own the copyright.

\*†For statutory and source citations, see note to § 201.1.



(b) **Maps, photographs, etc.** In the case of maps, photographs, reproductions of works of art, prints or pictorial illustrations, works of art, models or designs for works of art, and plastic works of a scientific or technical character, the notice may consist of the letter C, inclosed within a circle, thus ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor. But in such cases the name itself of the proprietor must appear on some accessible portion of the work, or on the mount of the picture or map, or on the margin, back, permanent base or pedestal of the work.

(c) **Foreign books printed abroad seeking ad interim protection.** The prescribed notice must be affixed to each copy of the work published or offered for sale in the United States. But no notice is required in the case of foreign books printed abroad seeking ad interim protection in the United States, as provided in section 21 of the Copyright Act (35 Stat. 1080; 17 U.S.C. 21).<sup>\*†</sup> [Secs. 26, 28, as amended May 17, 1938]

**201.9 American manufacture of copyright books.** The following works must be manufactured in the United States in order to secure copyright:

(a) All "books" in the English language and books in any language by a citizen or domiciled resident of the United States must be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text of such books be produced by lithographic process or photo-engraving process, then by a process wholly performed within the limits of the United States; and the printing of the text and binding of the book must be performed within the limits of the United States; but see amendatory Act of July 3, 1926 (41 Stat. 368; 17 U.S.C. 8, 21).

(b) All illustrations within a book produced by lithographic process or photo-engraving process and all separate lithographs or photo-engravings must be produced by lithographic or photo-engraving process wholly performed within the limits of the United States, except when the subjects represented in such illustrations in a book or such separate lithographs or photo-engravings "are located in a foreign country and illustrate a scientific work or reproduce a work of art."<sup>\*†</sup> [Sec. 29, as amended May 17, 1938]

**201.10 Books in foreign languages; ad interim term of copyright.** Books by foreign authors in any language other than English are not required to be printed in the United States.

In the case of books printed abroad in the English language an ad interim term of copyright of 4 months from registration made in the Copyright Office within 60 days after publication abroad may be secured; but in order to extend the copyright to the full term of protection, an edition of the work must be published in the United States within the 4 months ad interim term, printed or produced within the limits of the United States as required in section 15 of the Copyright Act (35 Stat. 1078; 17 U.S.C. 15).<sup>\*†</sup> [Sec. 30, as amended May 17, 1938]

**201.11 Application for registration.** The application for copyright registration required to be sent with each work must state the following facts:

(a) The name, nationality, and exact address of the claimant of copyright.

(b) The name of the country of which the author of the work is a citizen or subject.

(c) The title of the work.

(d) The name and address of person to whom certificate is to be sent.

(e) In the case of works reproduced in copies for sale or publicly distributed, the actual date (year, month, and day) when the work was published.

In addition, it is desirable that the application should state for record the name of the author. If, however, the work is published anonymously or under a pseudonym and it is not desired to place on record the real name of the author, this may be omitted. By the nationality of the author is meant citizenship, not race; a person naturalized in the United States should be described as a citizen. An author, a citizen of a foreign country having no copyright relations with the United States, may only secure copyright in this country, if at the time of publication of his work he is domiciled in the United States. The fact of such domicile in the United States should be expressly stated in the application, including a statement of this place of domicile. Care should be taken that the title of the work, the name of the author, and the name of the copyright claimant should be correctly stated in the application, and that they should agree exactly with the same statements made in the work itself.\*† [Secs. 31, 32]

**201.12 Application forms.** The Copyright Office has issued the following application forms, which will be furnished on request, and should be used when applying for copyright registration:

A. American edition of an interim book.

A1. New book printed and published for the first time in the United States.

A2. Book reprinted in the United States with new copyright matter.

A3. Book by foreign author in foreign language.

A4. Ad interim copyright for 4 months for book published abroad in the English language.

A5. Contribution to a newspaper or periodical.

A7. Book produced by other process than printing.

B1. Periodical. For registration of single issue.

B2. Periodical. For use with trust fund.

C. Lecture, sermon, or address.

D1. Published dramatic composition.

D2. Dramatic composition not reproduced for sale.

D3. Published dramatico-musical composition.

D4. Unpublished dramatico-musical composition.

E. New musical composition published for the first time.

E1. Musical composition republished with new copyright matter.

E2. Musical composition not reproduced for sale.

F. Published map.

G1. Work of art reproduced in copies for sale.

G2. Work of art or design for work of art not reproduced in copies for sale.

G. Design for work of art reproduced in copies for sale.

\*†For statutory and source citations, see note to § 201.1.

H. Reproduction of a work of art.

I1. Published drawing or plastic work of a scientific or technical character.

I2. Unpublished drawing or plastic work of a scientific or technical character.

J1. Photograph published for sale.

J2. Photograph not reproduced for sale.

K. Print or pictorial illustration.

L1. Motion-picture photoplay reproduced for sale.

L2. Motion-picture photoplay not reproduced for sale.

M1. Motion picture, not a photoplay, reproduced for sale.

M2. Motion picture, not a photoplay, not reproduced for sale.

R. Renewal of a copyright for 28 years.

U. Notice of use of music on mechanical instruments.

\*† [Sec. 33, as amended May 17, 1938]

**201.13 Affidavit of manufacture.** In the case of books by American authors and all books in the English language the application must be accompanied by an affidavit, showing the following facts:

(a) That the copies deposited have been printed from type set within the limits of the United States; or from plates made within the limits of the United States from type set therein; or if the text be produced by lithographic process or photo-engraving process, that such process was wholly performed within the limits of the United States, stating, in either case, the place and the establishment where such work was done.

(b) That the printing of the text has been performed within the limits of the United States, showing the place and the name of the establishment where the work was done.

(c) That the binding of such book (if bound) has been performed within the limits of the United States, showing the place and the name of the establishment where the work was done.

(d) That the completion of the printing of said book was on a stated day, or that the book was published on a given date.

Section 62 of the Copyright Act (35 Stat. 1087; 17 U.S.C. 62) defines the date of publication (in the case of a work of which copies are reproduced for sale or distribution) as "the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority."\*† [Sec. 34]

**201.14 Making of affidavit.** The affidavit may be made before any officer authorized to administer oaths within the United States who can affix his official seal to the instrument.

The affiant and the officer administering the oath for such affidavit are specially requested to make sure that the instrument is properly executed, so as to avoid the delay of having it returned for amendment. Experience shows that among the common errors made by applicants are the following:

Failure to write in the "venue"—that is, the name of the county and State—and to make sure that the notary's statement agrees.

Reciting a corporation or partnership as affiant. Oaths can be made only by individuals.

Failure to state in what capacity the affiant makes the oath, whether as claimant, agent of the claimant, or printer. Where a corporation or firm is the claimant, the affiant should swear as agent.



Failure to state the exact date of publication or completion of printing. The month alone is insufficient.

Failure to sign the affidavit. The signature should correspond exactly with the name of the affiant stated at the beginning. Corporation or firm names must not appear in this place.

Failure to obtain signature of the notary after swearing to the contents.

Failure to obtain the seal of the notary.

Swearing before an officer not authorized to act in the place stated in the venue, or an officer who has no official seal.

Variance between names and dates as stated in the affidavit and the application.

An affidavit which states the date of publication must never be made before publication has taken place.\*† [Sec. 35]

**201.15 Who may make affidavit.** The affidavit may be made by: (a) The person claiming the copyright; or (b) his duly authorized agent or representative residing in the United States; or (c) the printer who has printed the book.

The person making the affidavit should state in which of the above-mentioned capacities he does so.\*† [Sec. 36]

**201.16 Affidavit for ad interim term.** In the case of a foreign author applying for a book in a language other than English, no affidavit is required, as such books are not subject to the manufacturing clause.

In the case of a foreign author applying for a book in the English language, the same affidavit must be made as in that of an American author, except where a book is deposited for ad interim protection under section 21 (35 Stat. 1080; 17 U.S.C. 21). In such cases the affidavit must be filed when the ad interim copyright is sought to be extended to the full term by the publication of an edition printed in the United States.

The affidavit is only required for books.\*† [Sec. 37]

**201.17 Periodicals (Form B).** Application should be made in the same manner as for books, depositing two copies, but no affidavit is required.

Separate registration is necessary for each number of the periodical published with a notice of copyright, and can only be made after publication. It is not possible to register the title of the periodical in advance of publication.\*† [Sec. 38]

**201.18 Contributions to periodicals (Form A5).** If special registration is requested for any contribution to a periodical, one complete copy of the number of the periodical in which the contribution appears should be deposited promptly after publication.

The entire copy should be sent; sending a mere clipping or page containing the contribution does not comply with the statute.

The date of publication of a periodical is not necessarily the date stated on the title-page. The application should state the day on which the issue is "first placed on sale, sold, or publicly distributed," which may be earlier or later than the date printed on the title-page.\*† [Sec. 39]

\*†For statutory and source citations, see note to § 201.1.



**201.19 Ad interim applications (Form A4).** Where a book in the English language has been printed abroad, an ad interim copyright may be secured by depositing in the Copyright Office one complete copy of the foreign edition, with an application containing a request for the reservation and a money order for \$2. Such applications should state: (a) Name and nationality of the author; (b) Name, nationality, and address of the copyright claimant; (c) Exact date of original publication abroad.

The deposit of the work must be made not later than sixty days after its publication abroad. Whenever, within the four months period of ad interim protection, an authorized edition manufactured in the United States has been published and two copies have thereafter been promptly deposited, the copyright claim therein may be registered the same as any other book (Form A).<sup>\*†</sup> [Sec. 40, as amended May 17, 1938]

**201.20 Mailing applications and copies.** All deposits and other material for the Copyright Office should be addressed to the "Register of Copyrights, Library of Congress, Washington, D. C." Letters dealing with copyright matters should not be addressed to clerks or individuals in the Copyright Office.

The copies of works sent to be registered for copyright may be mailed to the Copyright Office free (under section 14 of the copyright law) if directly delivered for that purpose to the postmaster, who will attach his frank label to the parcel. The Copyright Office can not furnish franking labels.

The money order (or other remittance) to pay the statutory registration fee is not entitled to free postal transmission according to the ruling of the Post Office Department. This with the application should therefore be forwarded in an envelope, to which letter postage has been affixed, addressed to the Register of Copyrights.<sup>\*†</sup> [Sec. 41]

**201.21 Fees.** The fee required to be paid for copyright registration of a published work is \$2, except that in case of photographs it is only \$1, when no certificate of registration is desired.

All remittances to the Copyright Office should be sent by money order or blank draft. Postage stamps should not be sent for fees or postage. Checks can not be accepted unless certified. Coin or currency inclosed in letter or packages if sent will be at remitter's risk.

Publishers may for their own convenience deposit in the Copyright Office a sum of money in advance against which each registration will be charged.<sup>\*†</sup> [Sec. 42, as amended May 17, 1938]

**201.22 Assignment of copyright—(a) Procedure.** When a copyright has been assigned the instrument in writing signed by the proprietor of the copyright may be filed in this office for record within 6 calendar months after its execution without the limits of the United States or 3 calendar months within the United States.

After having been recorded the original assignment will be returned to the sender with a sealed certificate of record attached. The assignment will be returned by registered mail, if the post-office registration fee (10 cents) is sent for that purpose.

(b) **Fee.** The fee for recording and certifying an assignment is \$2 for each copyright office record book page or fraction thereof over one-half page.

(c) **Substitution of assignee's name.** After the assignment has been duly recorded, the assignee may substitute his name for that of the assignor in the copyright notice on the work assigned. Such substitution or transfer of ownership will be indexed in this office upon request at a cost of 10 cents for each work assigned.\*† [Secs. 43-45, as amended May 17, 1938]

**201.23 Notice of user of musical compositions.** Whenever the owner of the copyright in a musical composition uses such music upon the parts of instruments serving to reproduce it mechanically himself or permits anyone else to do so, he must send a notice of such use by himself or by any other person to the Copyright Office to be recorded.

Whenever any person in the absence of a license intends to use a copyright musical composition upon the parts of instruments serving to reproduce the same mechanically, the Act requires that he shall serve notice of such intention upon the copyright proprietor and must also send a duplicate of such notice to the Copyright Office.\*† [Secs. 46-47]

**201.24 Application for the renewal of subsisting copyrights—**

(a) **Renewal claimants.** Application for the renewal of a subsisting copyright may be filed within 1 year prior to the expiration of the existing term by:

- (1) The author of the work if still living;
- (2) The widow, widower, or children of the author if the author is not living;
- (3) The author's executor, if such author, widow, widower, or children be not living;
- (4) If the author, widow, widower, and children are all dead, and the author left no will, then the next of kin.
- (5) If the work be a posthumous work or a periodical, cyclo-pædic or other composite work upon which the copyright was originally secured by the proprietor thereof, or a work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work was made for hire, then the proprietor of such copyright is entitled to the privilege of renewal.

(b) **Fee.** The fee for the recording of the renewal claim is \$1. Application for the renewal or extension of copyright can not be recorded in the name of any person not expressly mentioned in section 23 of the Act (35 Stat. 1080; 17 U.S.C. 23).\*† [Secs. 48-50, as amended May 17, 1938]

**201.25 Searches.** Upon application to the Register of Copyrights search of the records, indexes, or deposits will be made for such information as they may contain relative to copyright claims. Persons desiring searches to be made should state clearly the nature of the work, its title, the name of the claimant of copyright and probable date of entry; in the case of an assignment, the name of the assignor

\*†For statutory and source citations, see note to § 201.1.

or assignee, or both, and the name of the copyright claimant and the title of the music referred to in case of notice of user.

The statutory fee for the searches is \$1 for each full hour of time consumed in making such search.\*† [Sec. 51, as amended May 17, 1938]

## PART 202—PROCLAMATION COPYRIGHT RELATIONS

Sec.	Sec.
202.1 Copyright protection to works of foreign citizens.	202.4 Protection to foreign citizens under treaty proclamation.
202.2 Protection to parts of musical instruments.	202.5 Protection to parts of musical instruments under treaty proclamation.
202.3 Protection to foreign citizens under Convention.	

### Section 202.1 Copyright protection to works of foreign citizens.

The following proclamations extend copyright protection to works of authors who are citizens or subjects of the countries named:

Country	Date	Number	Statute
Argentina.....	Aug. 23, 1934	2095	49 Stat. 3413.
Austria.....	Sept. 20, 1907	774	35 Stat. 2155.
Austria.....	Apr. 9, 1910	1021	36 Stat. 2685.
Belgium.....	July 1, 1891	307	27 Stat. 981.
Belgium.....	Apr. 9, 1910	1021	36 Stat. 2685.
Chile.....	May 25, 1896	386	29 Stat. 880.
Chile.....	Apr. 9, 1910	1021	36 Stat. 2685.
Costa Rica.....	Oct. 19, 1899	439	31 Stat. 1955.
Costa Rica.....	Apr. 9, 1910	1021	36 Stat. 2685.
Cuba.....	Nov. 17, 1903	510	33 Stat. 2324.
Cuba.....	Apr. 9, 1910	1021	36 Stat. 2685.
Czechoslovakia.....	Apr. 27, 1927	1802	45 Stat. 2906.
Danzig (Free City of).....	Apr. 7, 1934	2079	48 Stat. 1737.
Denmark.....	May 8, 1893	356	28 Stat. 1219.
Denmark.....	Apr. 9, 1910	1021	36 Stat. 2685.
Finland.....	Dec. 15, 1928	1859	45 Stat. 2980.
France.....	July 1, 1891	307	27 Stat. 981.
France.....	Apr. 9, 1910	1021	36 Stat. 2685.
Germany.....	Apr. 15, 1892	328	27 Stat. 1021.
Germany.....	Apr. 9, 1910	1021	36 Stat. 2685.
Great Britain & British possessions.....	July 1, 1891	307	27 Stat. 981.
Great Britain and her possessions.....	Apr. 9, 1910	1021	36 Stat. 2685.
Greece.....	Feb. 23, 1932	1990	47 Stat. 2502.
Irish Free State.....	Sept. 28, 1929	1891	46 Stat. 3005.
Italy.....	Oct. 31, 1892	339	27 Stat. 1043.
Italy.....	Apr. 9, 1910	1021	36 Stat. 2685.
Luxemburg.....	June 29, 1910	1056	36 Stat. 2716.
Mexico.....	Feb. 27, 1896	383	29 Stat. 877.
Mexico.....	Apr. 9, 1910	1021	36 Stat. 2685.
Netherlands and possessions.....	Nov. 20, 1899	443	31 Stat. 1961.
Netherlands and possessions.....	Apr. 9, 1910	1021	36 Stat. 2685.
Norway.....	July 1, 1905	577	34 Stat. 3111.
Norway.....	Apr. 9, 1910	1021	36 Stat. 2685.
Palestine (excluding Trans-Jordan).....	Sept. 29, 1933	2058	48 Stat. 1713.



Country	Date	Number	Statute
Poland.....	Feb. 14, 1927	1794	44 Stat. 2634.
Portugal.....	July 20, 1893	359	28 Stat. 1222.
Portugal.....	Apr. 9, 1910	1021	36 Stat. 2685.
Rumania.....	May 14, 1928	1836	45 Stat. 2949.
Spain.....	July 10, 1895	378	29 Stat. 871.
Spain.....	Apr. 9, 1910	1021	36 Stat. 2685.
Sweden.....	May 26, 1911	1127	37 Stat. 1682.
Switzerland.....	July 1, 1891	307	27 Stat. 981.
Switzerland.....	Apr. 9, 1910	1021	36 Stat. 2685.
Tunis.....	Oct. 4, 1912	1219	37 Stat. 1765.

**202.2 Protection to parts of musical instruments.** The following proclamations include "copyright controlling the parts of instruments serving to reproduce mechanically the musical work" as provided in section 1 (e) of the Act of March 4, 1909 (35 Stat. 1075; 17 U.S.C. 1 (e)), in addition to the general copyright benefits extended to the countries listed above:

Country	Date	Number	Statute
Argentina.....	Aug. 23, 1934	2095	49 Stat. 3413.
Australia, and the territories of Papua and Norfolk Island.	Apr. 3, 1918	1439	40 Stat. 1764.
Austria.....	Mar. 11, 1925	1735	44 Stat. 2571.
Belgium.....	June 14, 1911	1135	37 Stat. 1688.
Canada.....	Dec. 27, 1923	1682	43 Stat. 1932.
Chile.....	Nov. 18, 1925	1754	44 Stat. 2590.
Cuba.....	Nov. 27, 1911	1173	37 Stat. 1721.
Czechoslovakia.....	Apr. 27, 1927	1802	45 Stat. 2906.
Danzig (Free City of).....	Apr. 7, 1934	2079	48 Stat. 1737.
Denmark.....	Dec. 9, 1920	1582	41 Stat. 1810.
Finland.....	Dec. 15, 1928	1859	45 Stat. 2980.
France.....	May 24, 1918	1452	40 Stat. 1784.
Germany.....	Dec. 8, 1910	1103	36 Stat. 2761.
Great Britain.....	Jan. 1, 1915	1289	38 Stat. 2044.
Greece.....	Feb. 23, 1932	1990	47 Stat. 2502.
Irish Free State.....	Sept. 28, 1929	1891	46 Stat. 3005.
Italy.....	May 1, 1915	1292	39 Stat. 1725.
Luxemburg.....	June 14, 1911	1136	37 Stat. 1689.
Netherlands.....	Feb. 26, 1923	1652	42 Stat. 2297.
New Zealand.....	Feb. 9, 1917	1355	39 Stat. 1815.
Norway.....	June 14, 1911	1134	37 Stat. 1687.
Palestine (excluding Trans-Jordan).....	Sept. 29, 1933	2058	48 Stat. 1713.
Poland.....	Feb. 14, 1927	1794	44 Stat. 2634.
Rumania.....	May 14, 1928	1836	45 Stat. 2949.
Spain.....	Oct. 10, 1934	2102	49 Stat. 3420.
Sweden.....	Feb. 27, 1920	1557	41 Stat. 1787.
Switzerland.....	Nov. 22, 1924	1720	43 Stat. 1976.
Union of South Africa.....	June 26, 1924	1702	43 Stat. 1957.



**202.3 Protection to foreign citizens under Convention.** Under the Conventions proclaimed as follows protection may be claimed by citizens of the countries named:

Country	Date	Statute
Brazil.....	July 13, 1914	38 Stat. 1785
Colombia.....	July 13, 1914	38 Stat. 1785
Costa Rica.....	Apr. 9, 1908	35 Stat. 1934
Costa Rica.....	July 13, 1914	38 Stat. 1785
Dominican Republic.....	Apr. 9, 1908	35 Stat. 1934
Dominican Republic.....	July 13, 1914	38 Stat. 1785
Ecuador.....	July 13, 1914	38 Stat. 1785
Guatemala.....	Apr. 9, 1908	35 Stat. 1934
Guatemala.....	July 13, 1914	38 Stat. 1785
Haiti.....	July 13, 1914	38 Stat. 1785
Honduras.....	Apr. 9, 1908	35 Stat. 1934
Honduras.....	July 13, 1914	38 Stat. 1785
Nicaragua.....	Apr. 9, 1908	35 Stat. 1934
Nicaragua.....	July 13, 1914	38 Stat. 1785
Panama.....	July 13, 1914	38 Stat. 1785
Paraguay.....	July 13, 1914	38 Stat. 1785
Peru.....	July 13, 1914	38 Stat. 1785
Salvador.....	Apr. 9, 1908	35 Stat. 1934
Uruguay.....	Apr. 9, 1908	35 Stat. 1934
Uruguay.....	July 13, 1914	38 Stat. 1785

**202.4 Protection to foreign citizens under treaty proclamation.** The following treaty proclamations extend copyright protection to citizens of the countries named:

Country	Date	Statute
China.....	Oct. 8, 1903	33 Stat. 2208.
Hungary.....	Oct. 15, 1912	37 Stat. 1631.
Japan.....	May 17, 1906	34 Stat. 2890.
Siam.....	Oct. 12, 1921	42 Stat. 1928.
Spain.....	Apr. 11, 1899	30 Stat. 1754.

**202.5 Protection to parts of musical instruments under treaty proclamation.** In the case of the following treaty proclamation protection includes also "copyright controlling the parts of instruments serving to reproduce mechanically the musical work" as provided in section 1 (e) of the Act of March 4, 1909 (35 Stat. 1075; 17 U.S.C. 1 (e)):

Country	Date	Statute
Hungary.....	Oct. 15, 1912	37 Stat. 1631.